

**ACTION FOR CUSTODY, PARTIAL CUSTODY**  
**AND VISITATION OF MINOR CHILDREN**

**RULE L-1915.1. INITIAL CUSTODY CONFERENCE**

(a) In all cases in which a party seeks an Order of Court, or modification of an existing Order of Court, regarding custody, partial custody and/or visitation of minor children, including proceedings commenced under the Domestic Relations Code of 1990 (23 Pa.C.S. §§ 5301 et. seq.), unless both parties by certification verify that an Initial Custody Conference would be fruitless, the moving party shall proceed by moving the Court to schedule an Initial Custody Conference. This motion shall be submitted in a form in substantial compliance with that found in L-1915.3(a). The Initial Custody Conference shall be scheduled by the Court Administrator within forty-five (45) days of the date the motion is filed. The Initial Custody Conference shall be attended by the parties and their respective counsel, if any, and they shall attempt to reach amicable settlement of the matter.

(b) The parties shall be notified of the scheduled Initial Custody Conference by Order of Court per L-1915.3(b). It shall be the responsibility of the moving party to see that copies of the Order of Court scheduling the Initial Custody Conference are served on all parties and their respective counsel.

(c) Should the parties reach full agreement at the Initial Custody Conference, unless the parties agree otherwise, the moving party shall have such agreement reduced to the form of a Consent Order of Court. The Consent Order shall indicate that the agreement was reached at an Initial Custody Conference and include the date of the Initial Custody Conference. Upon preparation and execution thereof, either party may submit this Consent Order to the Court for approval and signature. A copy of the Consent Order shall be transmitted to the Court Administrator.

(d) Initial Custody Conferences shall be held at the Indiana County Courthouse unless otherwise agreed upon by the parties.

## **RULE L-1915.2. CUSTODY MEDIATION**

(a) Either party may seek Mediation under any one of the following circumstances:

(1) An Initial Custody Conference has been held and the parties were not able to reach an agreement;

(2) An Initial Custody Conference was held and one party, while served notice of same, failed to appear; or

(3) Counsel for both parties have agreed that an Initial Custody Conference would be fruitless. (In this circumstance, counsel for both parties must sign the Motion for Mediation).

(b) The Motion for Child Custody Mediation shall be submitted on a form in substantial compliance with that found in L-1915.3(c). The Court shall then order Mediation per form L-1915.3(d). It shall be the responsibility of the moving party to see that copies of the Order of Court scheduling the Child Custody Mediation are served on all parties and their respective counsel.

(c) Not later than seven (7) days prior to a scheduled Mediation, each attorney/party shall forward to the Child Custody Mediator the following:

(1) Proof of attendance or registration for the Parent Education Course also known as the Children-in-the-Middle Parent Education Course. (Out of county/state litigants may attach proof of equivalent services in their jurisdiction);

(2) Proof of payment of his or her Mediation Fee to the Prothonotary of Indiana County or copy of an approved IFP Petition; and,

(3) A completed Child Custody Questionnaire or a form in substantial compliance with that found at L-1915.3(e).

(d) Failure to provide any part of the information set forth in L-1915.2(c), above, shall be deemed a contemptible act under Pennsylvania Rule of Civil Procedure 1915.12 and shall be included in any recommendation by the Child Custody Mediator to the Court. Mediation shall not be canceled or continued for noncompliance with the requirements of L-1915.2(c), above.



(e) Any motion for continuance of Mediation must be directed to the Court and made on a form in substantial compliance with Form F.3 of these Local Rules.

(f) The Mediator shall ascertain the issues in the action through discussion with counsel and/or the parties. The Mediator shall not take testimony, and the conference shall not be of record; rather, the Mediator shall attempt to determine the relevant facts through discussion and shall suggest or recommend a proposed settlement. The Mediator may discuss the action with the parties or children concerned in the presence of, or without, counsel; for this purpose, children seven (7) years of age or older must be present for the Mediation. Mediation Procedure shall at all times be in the sole discretion of the Mediator.

(g) Following proper notice and conference, the Mediator shall take one of the following actions:

(1) If the Mediator determines that the parties have reached full agreement, the Mediator shall reduce the agreement to the form of a Consent Order of Court, which shall be submitted to the Court for approval and signature.

(2) If the parties cannot reach full agreement, the Mediator shall refer the entire action to the Court. The Mediator may recommend a Temporary Order of Court, which shall immediately be submitted to the Court, and, upon its entry, shall remain in effect until further Order of Court.

(3) If one of the parties, without just cause, fails to appear at Mediation, the Mediator may recommend a Temporary Order of Court, which shall immediately be submitted to the Court, and, upon its entry, shall remain in effect until further Order of Court.

(4) If, without just cause, neither party appears for Mediation, the Mediator may recommend an Order dismissing the action, in which event costs shall be assessed and collected.

(5) Should further Court action be required, the Mediator shall include a Scheduling Order with his/her Report. The Report also shall indicate whether psychological evaluations, home studies, or other pre-hearing reports are to be ordered.

(h) The Mediation Fee shall be refunded only if, by a writing signed by both parties or counsel and submitted to the Court not less than seven (7) days before the scheduled date of Mediation, the parties agree that the Mediation should be canceled.